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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000377

SIPDIS

STATE FOR EAP AND DRL  
CDR USPACOM FOR FPA

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TAGS: PHUM PGOV BM

SUBJECT: PINHEIRO SUSPENDS MISSION TO PROTEST GOVERNMENT  
EAVESDROPPING

Classified By: COM Carmen Martinez. Reason: 1.5 (d).

11. (C) Summary: Pinheiro suspended his fifth mission to Burma on March 24 to protest a government eavesdropping incident at a supposedly confidential interview he conducted. He will not return until he receives an explanation of the incident and a renewed government commitment to the guidelines for his missions. On a more positive note, Pinheiro also reached agreement in principle on a UNHCR mission to Shan and Karen States to assess allegations of GOB violence against ethnic communities and the issue s of child soldiers and forced relocations. Provided the detailed modalities for the mission can be worked out, and the GOB is able to meet Pinheiro's demands in regard to the eavesdropping incident, then he will return in May to complete his current mission and start the UNHCR assessment. End Summary.

12. (C) UN Special Rapporteur for Human Rights Paulo Pinheiro had good and bad news for assembled diplomats on March 24. The bad news was that he will suspend his fifth mission to Burma two days early to protest government eavesdropping at a supposedly confidential interview in Insein prison on March 22. The good news is that he has reached agreement in principle with the GOB on a UNHCR mission to assessment allegations of rape and other government violence against ethnic minorities in Shan and Karen States, including the use of child soldiers and forced relocations.

#### Eavesdropping Incident

13. (C) The eavesdropping incident took place in a meeting room at Insein Prison on March 22. According to Pinheiro, about one hour into a supposedly confidential interview he found a "wireless microphone" working below the table. Terming the instrument "amateurish," and "an example of 1940s technology," Pinheiro said that he found it hard to believe that any member of the SPDC's senior leadership had authorized the eavesdropping. Nevertheless, the guidelines for his mission, including the complete confidentiality which is to be accorded all sources, is clear. Consequently, he had no choice but to suspend his mission on the spot. Pinheiro added that he will not return until there is an acceptable explanation of the incident by the government, and a re-commitment by the government to all the guidelines for his mission.

#### Assessment in Shan State

14. (C) On a more positive note, Pinheiro said that he reached agreement in principle with Secretary 1 Khin Nyunt on March 21 regarding a UNHCR assessment of the allegations of rape and other government violence against ethnic minorities in Shan and Karen States. The exact modalities for the UNHCR assessment have to be worked out in negotiations with the SPDC's Brigadier General Than Tun and Deputy Foreign Minister Khin Maung Win. However, Pinheiro indicated that mission's mandate would include allegations of forced relocations and the use of child soldiers, as well as allegations of rape.

#### Political Prisoners

15. (C) Pinheiro indicated that he did not make much progress in regard to political prisoners. In fact, there appeared to have been some stiffening in the government position. The government had provided the names and other identifying information on the 115 prisoners released last November, as well as the 48 released this year. However, it continued to draw a distinction between prisoners who were members of political parties, and all other security detainees. The GOB believes that only the former are political prisoners, while Pinheiro and the ICRC have been firm in asserting that all 1,200 to 1,400 security detainees are political prisoners and should be released immediately. The GOB was also cautious about commitments to new releases. While they indicated that they would continue to release aged or sick prisoners on humanitarian grounds, they made no commitment about a general release of political prisoners.

#### Political Dialogue

16. (C) Finally, Pinheiro noted that the political dialogue

between the National League for Democracy and the SPDC had fallen victim to mutual suspicions. Each side accused the other of being insincere, almost in the same exact words, according to Pinheiro. The SPDC in particular complained that the NLD had not responded to their gestures in releasing Aung San Suu Kyi and other political prisoners, allowing NLD offices to re-open and allowing senior NLD leaders to travel freely throughout Burma. The NLD meanwhile continued to assert that there was no "real dialogue." (Note: Pinheiro told COM privately after the meeting that the GOB's claim that Brigadier General Than Tun has met with ASSK ten times since the Special Rapporteur's visit in November was confirmed by ASSK. However, ASSK said that the meetings had not resulted in any substantive dialogue. End Note.)

17. (C) Pinheiro was also mildly sarcastic regarding Aung San Suu Kyi and the other NLD leaders. They wasted, he said, one hour of his three-hour meeting with them on a pointless semantic debate regarding "principled engagement," a term he had used in his report. He defended the concept, and said he would proceed as he described in the report, but nevertheless agreed to drop the use of the term, since the NLD found it offensive.

#### Next Steps

18. (C) According to Pinheiro, the ball is now in the SPDC's court. It has "to demonstrate that it wants to continue" with the Special Rapporteur's visits. That will require an explanation of the eavesdropping incident and guarantees against any further incidents like it. In addition, Pinheiro said, it will be necessary to have agreement in detail very soon on the modalities for a UNHCR mission to Shan and Karen States (along with donor funding for the mission). If those conditions could be met, Pinheiro said, he would definitely consider returning in May.

Martinez